

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Olsen et al.

Confirmation No: 2080

Serial No.: 10/575,697

Group Art Unit: 1656

Filed: April 12, 2006

Examiner: Desai

For: Method for Stable Gene-Amplification in a Bacterial Host Cell

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action mailed September 5, 2007 that made restriction and election of species requirements. Applicants were requested to elect one of three designated groups.

In response to these requirements, Applicants hereby elect the invention of Group I (claims 30-47), and the species of *metE* as a conditionally essential gene. The election of the species is with traverse. The species are clearly linked by the invention of claims 1-7, and claims 1-7 provide a technical features defining a contribution over the art. Rasmussen (US Pat No. 6,762,040) does not teach or suggests the technical feature of the claimed invention, including a bacterial host cell comprising "an expressible conditionally essential gene, wherein the conditionally essential gene is either promoterless or transcribed from a heterologous promoter having an activity substantially lower than the endogenous promoter of said conditionally essential gene" and "wherein the conditionally essential gene if not functional would render the cell auxotrophic for at least one specific substance or unable to utilize one or more specific sole carbon source."

The Examiner has not explained where this feature is disclosed in Rasmussen. Thus, the technical feature linking the inventions does define a contribution over the prior art and the species are linked by claims 1-7.

Applicants hereby reserve the right to file divisional applications directed to the non-elected subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: October 15, 2007

/Jason Garbell, Reg. # 44116/

Jason I. Garbell, Reg. No. 44,116  
Novozymes North America, Inc.  
500 Fifth Avenue, Suite 1600  
New York, NY 10110  
(212)840-0097